

COMPLAINT INVESTIGATION SUMMARY

COMPLAINT NUMBER:	1612.00
COMPLAINT INVESTIGATOR:	Jane Taylor-Holmes
DATE OF COMPLAINT:	August 30, 2000
DATE OF REPORT:	September 22, 2000
REQUEST FOR RECONSIDERATION:	no
DATE OF CLOSURE:	October 20, 2000

COMPLAINT ISSUES:

Whether the MSD of Washington Township violated:

511 IAC 7-10-3 with regard to the school's alleged failure:

- a. to conduct an educational evaluation and convene the case conference committee (the "CCC") within 40 instructional days from the date of the written parental consent (provided on October 19, 1999); and
- b. to complete a speech/language evaluation and additional evaluations related to the suspected disability within 40 instructional days of the CCC determination and parental consent on March 10, 2000.

511 IAC 7-12-1(b) and (d) with regard to the school's alleged failure to provide the parent with adequate notice of the CCC meeting, specifically failing to provide the parent with information required by 511 IAC 7-12-1(d) 1 through 6.

511 IAC 7-12-1(c) with regard to the school's alleged failure to schedule the CCC meeting at a mutually agreed upon, date, time, and location.

FINDINGS OF FACT:

1. The student (the "Student") is eight years old and is eligible for special education and related services as a student with an other health impairment ("OHI"). The Student is in the second grade at the local elementary school (the "School").
2. The Complainant originally requested a complaint investigation on August 1, 2000, and those issues were subsequently subsumed into Due Process Hearing #1175.00, also requested by the Complainant. In a letter dated August 29, 2000, the IHO dismissed the hearing and remanded the complaint issues to the Division for investigation.
3. In a letter dated October 19, 1999, to the Student's classroom teacher (the "Teacher"), the Complainant summarized an earlier conversation they had on October 4, 1999, regarding the Student's progress, behavior, and attention deficit disorder ("ADD") tendencies. The letter indicated that the Complainant took the Student to his private physician for an evaluation upon the recommendation of the Teacher.
4. The Complainant signed the Parent Permission For Evaluation form on December 7, 1999. The

Student was evaluated on January 20, 2000.

5. At approximately 2:00 p.m. on February 9, 2000, the Teacher called to remind the Complainant that the CCC was to have met at 1:30 p.m. that afternoon. The Complainant did not receive notification of the meeting, either in writing or by telephone. The Complainant was given an opportunity to re-schedule the meeting, but chose otherwise, and attended the meeting.
6. The Director reported that notification letters for all of the Student's CCC meetings are in place except for the one held on February 9, 2000.
7. The CCC met on March 10, 2000, and the Complainant signed a consent for an additional speech/language ("Speech") evaluation and to complete a behavior rating scale. The speech evaluation was conducted on March 24, 2000, and April 21, 2000. The CCC meeting was held on August 15, 2000.
8. The Director reported that because the Complainant did not return the completed behavior rating scale in a timely manner, the CCC did not meet until August 15, 2000. Attempts to contact the Complainant were made by the psychologist on June 15, 19, and 22, 2000, and August 1, 2000. The local special education office attempted to contact the Complainant on August 2 and 10, 2000.
9. The Director reported that the School had information that the Complainant wanted the Student to be evaluated and the School did not inform the local special education office.
10. The Director submitted documentation indicating that on September 12, 2000, she issued a memorandum to all building principals reminding them that a parent who wishes to initiate an educational evaluation must provide written consent. The Director also submitted documentation indicating that she issued another memorandum on September 12, 2000, to all special education staff that CCC meetings must be scheduled at a mutually agreed upon date, time, and location. The memorandum also included information regarding the requirement that parents must receive adequate notice of their child's CCC meeting.

CONCLUSIONS:

- 1.a. Findings of Fact #3, #4, and #5 indicate that more than 40 instructional days passed between the time that the Complainant and the Teacher initially discussed the Student's classroom progress, behavior, and ADD tendencies to when the CCC met. However, Findings of Fact #9 and #10 indicate that the Director has acknowledged such, and has subsequently corrected the violation of 511 IAC 7-10-3.
- 1.b. Findings of Fact #7 and #8 indicate that the CCC did not meet within 40 instructional days of the CCC decision to conduct additional evaluations. However, Finding of Fact #10 indicates that the Director has corrected the violation of 511 IAC 7-10-3.
2. Findings of Fact #5 and #6 indicate that the Complainant did not receive adequate notice of the CCC meeting, or the opportunity to schedule the meeting at a mutually agreed upon date, time, and location. However, Finding of Fact #10 indicates that the Director has corrected the violation of 511 IAC 7-12-1(b), (c), and (d).

The Department of Education, Division of Special Education requires no additional corrective action based on the Findings of Fact and Conclusions listed above.

